

destination elsewhere in the United States in compliance with paragraph (a) of this section. If the samples are to be unloaded and transshipped in Puerto Rico or Hawaii, it shall be done immediately after the inspector ascertains that the samples are properly wrapped or packaged to prevent the escape of any plant pests that may be present during transit and, before transshipment the carrier shall rewrap or package the samples in such manner as the inspector may require if he deems such action is necessary to prevent the escape of any plant pests that may be present.

(c) Other mail, cargo, and baggage shipments of products covered by §319.73-2, arriving in Puerto Rico or Hawaii shall not be unloaded or transshipped in Puerto Rico or Hawaii and shall be subject to the inspection and other applicable requirements of the Plant Safeguard Regulations (part 352 of this chapter).

[35 FR 14497, Sept. 16, 1970]

#### §319.73-4 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner, or his agent, having responsible custody thereof.

[35 FR 14498, Sept. 16, 1970]

### Subpart—Cut Flowers

#### QUARANTINE

#### §319.74 Notice of quarantine.

(a) The Secretary of Agriculture, having given the public hearing required by law and having determined the pest risk involved, forbids the importation of cut flowers into the United States from foreign countries, including those in Europe, Asia, Africa, Australia, South America, Central America, North America, and other foreign countries and islands (other than cut flowers produced in the Dominion of Canada, Labrador, Newfoundland, and the United States), ex-

cept as provided in the regulations supplemental to this subpart.

(b) This subpart shall not be construed to modify provisions applicable to cut flowers included in special quarantine or other restrictive orders now in force or hereafter promulgated.

(c) As used in this section, the term *United States* means the continental United States, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

#### RULES AND REGULATIONS

#### §319.74-1 Definitions.

For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Cut flower*. The highly perishable commodity known in the commercial flower-producing industry as a cut flower, and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state. This definition shall not include dried, bleached, dyed, or chemically treated decorative plant materials; filler or greenery, such as fern fronds and asparagus plumes, frequently packed with fresh cut flowers; nor to Christmas greenery, such as holly, mistletoe, and Christmas trees.

(b) *Inspector*. An employee of the U.S. Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(c) *Permit*. A form of authorization to allow the importation of cut flowers in accordance with the regulations in this subpart. In the case of cut flowers imported in small quantities, this may be an oral authorization by the inspector at the port of entry.

#### §319.74-2 Regulated articles.

(a) All cut flowers imported into the United States from the foreign countries and islands designated in the quarantine are subject to the regulations in this subpart.

(b) Such types of cut flowers as may be determined by the Deputy Administrator of the Plant Protection and Quarantine Programs and designated by him in administrative instructions as involving special risk of introducing

into the United States any new and potentially injurious insect or plant disease shall be admitted only under permit.

(c) Whenever, in the opinion of the Deputy Administrator of the Plant Protection and Quarantine Programs, a State, Territory or District of the United States covered by §319.74 shall have taken action to suppress types of pests that may be imported with certain cut flowers, and shall have promulgated, when such action contributes to the suppressive program, a plant quarantine prohibiting the entry in interstate movement of specific kinds of cut flowers that might introduce such pests, and further shall have requested through the responsible official that the U.S. Department of Agriculture cooperate by restricting the importation from foreign countries named in this quarantine of such cut flowers into the State or Territory or District in question, importations thereof to said State or Territory or District may be denied by the Deputy Administrator of the Plant Protection and Quarantine Programs either through refusing approval of a permit or such other means as he may announce.

**§319.74-2a Administrative instructions relative to the cut flower quarantine.**

Pursuant to the authority conferred upon the Deputy Administrator of the Plant Protection and Quarantine Programs by §319.74-2(b) (Notice of Quarantine No. 74), it has been determined that the following types of cut flowers involve special risk of introducing into the United States new and potentially injurious insects or plant diseases when imported into the United States from the foreign countries and localities designated in §319.74:

Camellia—*Camellia* spp.  
 Gardenia, cape jasmine—*Gardenia* spp.  
 Rhododendron—*Rhododendron* spp. (including *Azalea*)  
 Rose—*Rosa* spp.  
 Lilac—*Syringa* spp.

Accordingly it is hereby required that the above types of cut flowers may be imported from the designated foreign countries and localities only under permits issued in accordance with the pro-

cedure authorized in §§319.74-3 to 319.74-5, inclusive.

**§319.74-3 Conditions governing the entry of cut flowers.**

(a) All cut flowers imported from the named foreign countries and localities, whether or not subject to permit requirements, shall be given such inspection and treatment at the port of entry as may be deemed necessary by the inspector. Cut flowers imported from any country or locality and found upon inspection to be infested with agromyzids (insects of the family *Agromyzidae*) shall be fumigated at the time of importation with methyl bromide in accordance with a procedure specified in paragraph (d) of this section, except that such fumigation shall not be required for cut flowers imported from Canada (including Labrador and Newfoundland) or Mexico because of the finding of agromyzids, and shall not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia or the Dominican Republic because of the finding of agromyzids, when such agromyzids are identified by an inspector to be only agromyzids of the species *Liriomyza trifolii* (Burgess). Any cut flowers found upon inspection to be infested with injurious insects or infected with plant diseases, which cannot be eliminated by treatment, shall be denied entry. The importer will be given the option of abandoning for destruction such rejected cut flowers or immediately shipping them to a point outside the United States.

(b) Under circumstances which will in the judgment of the inspector eliminate pest risk, the inspector may orally authorize entry in small quantities of cut flowers that are subject to the permit requirements.

(c) Whenever, during the inspection of cut flowers imported in accordance with the regulations in this subpart, the inspector shall find them to be infested with an injurious insect or infected with an injurious plant disease, which can be eliminated by a method of treatment selected by him in accordance with administratively authorized procedures known to be effective under the conditions applied, he may prescribe as a condition of entry that such treatment be applied by the importer